

Motion to Accept Late Filing

Secretary, FCC,

3 September 2002

This document was originally filed on the due date, 15 August 2002, but was not accepted due to confusion on the part of the undersigned between the procedures for Electronic Comment File Submission and Email Filing. This procedural error was not detected until this date since no notice of rejection was received. The current filing with a Motion to Accept Late Filing is submitted in the belief that the Wireless Bureau will find the considered comments of the National GMDSS Task Force of significant value in their deliberations on the docket.

Sincerely,

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Before the Federal Communications Commission

Washington D.C. 20554

In the matter of)

Amendment of Parts 13 and 80 of the)

WT Docket Nos. 00-48 and 02-102

Commission's Rules Concerning)

RM-9499

Maritime Communications)

Comments by the

National GMDSS Implementation Task Force (The Task Force)

Submitted 15 August 2002

The National GMDSS Implementation Task Force was chartered by the U.S. Coast Guard to supplement government functions in expediting the implementation of the Global Maritime Distress and Safety System (GMDSS) recently introduced by the International Maritime Organization (IMO). The Task Force membership is broad-based including nearly 1000 representatives of government authorities, commercial vessel owners and operators, recreational vessel interests, training institutions, service agents, manufacturers, trade associations and maritime labor organizations. The Task Force

maintains a portion of the Coast Guard web site at www.navcen.uscg.gov/marcomms/ that contains numerous GMDSS Information Bulletins, records of Task Force meetings, and various Task Force letters recommending regulatory action.

The Task Force has made numerous recommendations to both the Coast Guard and the FCC, many of which have been adopted. The Task Force comments filed on 21 July 2000 transmitted numerous recommendations for changes to Part 80 of the Commission's Rules in response to Docket No. 00-48. The Task Force appreciates the opportunity to comment on the Report and Order and Further Notice of Proposed Rule Making contained in Docket 02-102.

The Task Force comments are in two sections, the first responding to general inquiries addressed in the Docket and the second responding to specific rule changes proposed in the Appendix. The comments were approved at the Task Force meeting on 8 August 2002 and refer to specific page and paragraph numbers in Docket FCC-02-102.

GMDSS TASK FORCE COMMENTS ON GENERAL INQUIRIES IN FCC DOCKET 02-102

Page 5, para 6 & 9. **1. Fishing Vessels and the GMDSS.** The end of the exemption for Fishing Vessels over 300 tons one year after the USCG declares Sea Areas A1 and A2 needs clarification since most are potential A3 vessels and would nominally require VHF-DSC and MF-DSC whenever the exemption ends without regard to the declaration of Sea Areas A1 and A2. Other aspects of GMDSS requirements such as operator licensing, duplication, reserve power, and SafetyNET reception should also be addressed if different from A3 requirements for SOLAS vessels.

Page 8, para 12 & 13. **a. Restricted GMDSS Radio Operator's License.** The Task Force, having recommended this License, concurs. We question use of the term GROL for GMDSS Radio Operator's License since it has already been used as an abbreviation for the General Radiotelephone Operator's License.

Page 9, para 14 & 15. **b. Credit for Proof of Passing U. S. Coast Guard Training.** The Task Force, having recommended this action for the GMDSS Radio Operator's License, concurs. The Task Force further recommends extension of this concept to examinations for the newly created Restricted GMDSS Radio Operator's License.

Page 12, Para 23 & 24. **c. Alternative Satellite Fittings.** The FCC's intent to authorize non-GMDSS systems for mandatory vessels sailing in domestic waters needs more definition. It is assumed that the intent is to permit alternative satellite systems for vessels on domestic voyages since "domestic waters" are not defined. See also proposed rule 80.1091 on page 99.

Page 13, para 25-27. **a. Watch requirements on Channel 16.** The Task Force notes that the docket fails to recognize the IMO's recent action to extend the channel 16 watch beyond 1 February 2005. The Task Force further notes that it may not be possible to discontinue the channel 16 watch in the U.S. since the limited provisions to encourage a

gradual shift to VHF-DSC fail to require all users of VHF to upgrade to DSC by a definitive date.

Page 14, para 28-30. **b. Watch Requirements on 2182 kHz.** The Task Force concurs with the FCC action calling for watch on 2182 by mandatory vessels that have not yet been required to upgrade to MF-DSC. However, the clarification provided in the erratum to Docket 02-102 also levied a 2182 watch requirement on SOLAS vessels which have upgraded to MF-DSC and which were earlier permitted to drop the watch on 2182 in favor of the DSC watch on 2187.5 kHz. Most of these ships have already removed the 2182 watch receivers previously used for this purpose and no benefit is seen to reinstating a 2182 watch on SOLAS vessels. Since the 2182 kHz watch is not a SOLAS requirement for MF-DSC equipped vessels, does the FCC plan to impose a 2182 watch on foreign flag vessels in U.S. coastal waters? The Task Force feels that there is insufficient justification for re-imposing the 2182 watch requirement on SOLAS compliant vessels and requests reconsideration.

Page 15, para 31-33. **4c. Watch Requirements for Voluntary Vessels.** The Task Force concurs with the requirement for voluntary users of GMDSS alerting systems capable of automatically transmitting a distress alert including position to watch the emergency channel when not communicating on another channel. This is consistent with the Task Force's earlier filing that supported ITU requirements, which have been in effect for some time.

Page 16, para 35 & 36. **4d. Safety Watch by Vessels Voluntarily Fitted on the MF/HF DSC Channels and Inmarsat A, B, and C Systems.** The Task Force concurs with the requirement that vessels watch the appropriate distress channel on voluntarily fitted MF/HF and Inmarsat systems. Here the FCC accepts the Task Force recommendation for connecting a navigation receiver, if provided, to GMDSS alerting gear on mandatory vessels but not on voluntary vessels. The FCC states that such a requirement would be difficult to enforce but the Task Force notes that many other FCC rules are also difficult to enforce and in the case of many of these rules, no enforcement effort is even attempted. The Task Force repeats its earlier recommendation to include voluntary vessels since the Coast Guard needs accurate positions for efficient search and rescue operations; since most responsible operators of voluntary vessels will comply when they understand the benefit; since the ITU rules on which this is based apply to all vessels; and since new IMO rules becoming effective 1 July 2002 now require navigation receivers on most vessels. Courtesy examinations of recreational vessels and information provided by service agents and manufacturers will also encourage voluntary vessel operators to comply.

Page 19, para 42. **Compulsory Vessels, Subpart Q.** The Task Force concurs in substantial elimination of Subpart Q but objects to the retention of the obsolete direction finder rules, 80.818 – 80.823 by renumbering as 80.288-80.293. Surely there can be no compelling need to retain obsolete provisions of the Communications Act in the current regulations. The Task Force does not understand the reluctance to seek revision of obsolete provisions of the Communications Act but realizes that there are many

provisions in law, which is no longer enforced. If it is permissible to ignore the law, surely it is not required that these obsolete provisions be republished while updating the regulations. The Task Force assumes that the Commission does not intend to enforce these regulations and does not intend that vessels reinstall direction-finding equipment.

Page 21, para 46 & 47. **8. Emergency Position Indicating Radiobeacons (EPIRBs).**

The Task Force concurs with this action to phase out the 121.5 MHz EPIRBs and repeats its recommendation for approval of use of the Inmarsat E EPIRB suitably modified to meet U.S. requirements.

Page 25, para 58 & 59. **2. Subpart B-Applications and Licenses.** Here the FCC retains their requirement that vessels not otherwise requiring a station license, must have one if making a short international voyage to Canada even though neither country enforces the Rule. The position is that an international agreement with Canada would be required to waive the station license requirement. Since this is an especially ‘hot’ item among recreational vessels operators in the border states, the Task Force urges that such an agreement be undertaken, possibly including a long overdue update of the Great Lakes Agreement to incorporate appropriate GMDSS functions.

Page 31, para 77. **8. Subpart I-Station Documents.** The Task Force concurs with accepting NIMA pub 117 and the UK Admiralty Volume 5 as alternatives to the GMDSS Master Plan. The Task Force also feels that the ITU publications required, Lists IV, V, VI, and VII A are not only quite expensive but of very limited value to most ships since carriage of a dedicated Radio Officer is now optional. See also page 85, Rule 80.415.

Page 31, para 78, **Log Keeping 80.409.** Several Task Force members have objected to the requirement to log all distress traffic heard noting that there is an excessive volume of such traffic, mostly consisting of false alerts and locations far removed from their own vessel. Since this seems to be the new reality under GMDSS, the Task Force proposes that required log entries be limited to distress traffic involving their own ship, another ship within assistance range, or a situation where the distress alert was acknowledged or relayed. (See also Task Force comments on modified Rule 80.409).

Page 34, **13. Subpart W-Global Maritime Distress and Safety System (GMDSS).** The Note to the General Provisions of this subpart states: “No provision of this subpart is intended to eliminate, or in anyway modify, other requirements contained in this part with respect to part II of title III of the Communications Act”. The Task Force notes that this sort of legal qualifier is confusing to users who for the most part do not have access to the Communications Act. If there is something out of date in the Communications Act, the Commission should recommend appropriate changes. No changes have been proposed to 80.1065 despite the fact that subparagraphs (b), (1)-(5) are devoted to phased implementation dates all of which have now passed. The Task Force recommends deletion of these subparagraphs.

Page 37, para 94. **80.1077 and 80.359. Subpart W – GMDSS.** The FCC plans to modify Rule 80.1077 to clarify that routine calling is not permitted on MF-DSC frequencies.

There is a strong need for some routine calling channels in the MF band. Perhaps the unused duplex MF-DSC calling channels for public correspondence could be utilized in a manner similar to 2177.0 kHz while waiting for the IMO and ITU to resolve the issue.

Page 41, Section IV. **FURTHER NOTICE OF PROPOSED RULEMAKING**

Page 41, para 109 & 110. **1. Voluntary Restricted License.** The Task Force does not suggest any requirement that voluntary users of VHF-DSC be required to hold the FCC's Restricted GMDSS Radio Operator's License. The Task Force has, however, encouraged the Coast Guard Auxiliary and the U.S. Power Squadrons to offer a voluntary one-day course in VHF-DSC and encouraged development of an interactive course, which operators could take over the Internet. The UK and some other countries require their voluntary users to complete such a course that in the UK is offered by the Royal Yachting Association that also issues a Certificate of Completion. Since a formal FCC Operator's License is not proposed, any effort to require completion of some sort of abbreviated training might more properly fall to the Coast Guard or to state regulators.

Page 45, para 121. **9. Inmarsat-E EPIRBs.** The Task Force repeats its earlier support for the authorization of the Inmarsat-E EPIRB system in the U.S. subject to other special U.S. requirements such as strobe lights and homing signals. The Inmarsat E is already GMDSS approved by IMO.

Page 46, para 122-125. **10. Small Passenger Vessels.** The Task Force repeats its earlier support for requiring that mandatory vessels upgrade to VHF-DSC, and to MF-DSC for those that operate further offshore, within a year after the Coast Guard declares Sea Areas A1 and A2 operational. The basis for this requirement is to have all vessels participate in the same common distress and safety system using appropriate elements of the GMDSS. (See also Task Force comments on 80.905).

Page 47, para 124. **10. Small Passenger Vessels.** The Task Force has no objection to relaxing GMDSS satellite rules slightly for small passenger vessels but notes that the list of Inmarsat systems should include the new Fleet 77 system. Although not stated, it is assumed that use of non GMDSS Inmarsat systems would be restricted to vessels on domestic voyages. If the FCC is contemplating authorizing a non-GMDSS Inmarsat system for this function, it is suggested that Inmarsat Mini-M would be a more attractive choice than the Inmarsat-M for smaller vessels despite the lack of a distress alert button.

Page 48, para 127. **80.1083. GMDSS Rules.** Several Task Force members took exception to the statement that it would be permissible on small passenger ships to have an additional EPIRB mounted inside the wheelhouse near the conning station. They point out that this would be of dubious utility in a steel wheelhouse and would thwart the "float free" capability unless carried to a survival craft. The Task Force does not object since it is an additional EPIRB, but suggests that a further qualification may be in order.

Page 48, para 129. **12. Electronic Mail Requests.** The Task Force repeats its support for authorizing the use of e-mail for making official requests and reports to the FCC.

Page 49, para 131. **14. Examination Requirements for GMDSS Radio Operators.** The Task Force repeats its earlier support for this concept of a single exam to satisfy both the FCC and USCG GMDSS requirements. The Task Force has already recommended, and the Coast Guard's National Maritime Center has already accepted, an exam of 50 questions from the 300-question pool for the Restricted GMDSS Operator's License.

TASK FORCE COMMENTS ON APPENDIX B, FINAL RULES

Page 56, **Part 13, Commercial Radio Operators; 13.7-13.201.** The Task Force has no objection to the revised rules in Part 13 except to note that the information is not available to most operators since there is no requirement to carry Part 13 on board vessels.

Page 74, **80.310 Watch required by voluntary vessels.** This Rule has been revised to require voluntary vessels to watch channel 16, or channel 70 if DSC equipped, whenever underway and not working on another channel. This eliminates the option to be underway but "not in service" and is consistent with new ITU rules. The Task Force concurs in this action.

Page 84, **80.409 Station Logs.** The Task Force disagrees with para. (e)(1) requiring a summary of all distress communications heard. See our earlier comment relative to page 31, para 78. The watches are now being maintained by the deck watch officers in lieu of dedicated Radio Officers. Further, there is a grossly excessive number of alerts now being heard as a result of the efficiency of GMDSS systems over long ranges, the vast majority of which turn out to be false alerts. The Task Force therefore recommends that vessels be required to log only distress traffic affecting own ship, another ship within possible assistance range, and distress alerts acknowledged or relayed.

Page 85, **80.415**, para (b) (3) Line 2 Taunton misspelled, delete "m" after Zip code; Line 3 change Ext from x3333 to x5030.

Page 89, **80.880. Vessel Radio Equipment.** This new Rule permits compulsory vessels operating beyond 100 miles to use HF SSB on calling frequencies or Inmarsat. The Task Force believes that compulsory vessels should generally be required to have appropriate components of the GMDSS since the Coast Guard search and rescue system is much more efficient if all vessels are similarly equipped. The Task Force has doubts that the Coast Guard has been able to maintain an effective watch on HF SSB frequencies in the coastal network. Beyond MF range, GMDSS Sea Area A3 systems are more reliable.

Page 89, **80.905. Vessel Radio Equipment.** This Rule permits small passenger vessels operating beyond 200 miles to use Amver if underway for more than 24 hours. The Task Force recommends HF-DSC on the basis of the advantages of a "single common distress system". Beyond MF range, Sea Area A3 systems are more reliable.

Page 94, **80.1071. Exemptions.** This exemption for large Fishing Vessels, and other similar exemptions, extend until one year after the Coast Guard declares Sea Areas A1 and A2 operational. Does this mean one year after both A1 and A2 have been declared or one year to upgrade to VHF-DSC keyed to Sea Area A1 and one year to upgrade to MF-DSC keyed to A2? Note that the Coast Guard expects to declare A2 in 2002 and A1 in 2006.

Page 106, **80.1117. Procedure for Receipt and Acknowledgement of Distress Alerts.** The revision of paragraph (a) applies to acknowledgement of distress alerts in all frequency bands and is not as restrictive as the latest IMO guidance contained in COMSAR/Circ.25 of 15 March 2001 which virtually eliminates relay of distress alerts received by vessels on VHF channel 70. The Task Force recommends adherence to the IMO operational guidance.

Approval of Task Force Comments. The foregoing comments were approved by the National GMDSS Implementation Task Force at its meeting held on 8 August 2002.

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